



February 26, 2014

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# ENGROSSED

## HOUSE BILL No. 1037

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DIGEST OF HB 1037 (Updated February 25, 2014 12:13 pm - DI 103)

**Citations Affected:** IC 10-14.

**Synopsis:** Broadcasters during emergencies or disasters. Provides that: (1) broadcasters shall develop comprehensive and coordinated plans for preparation for and responding appropriately to an emergency or disaster; and (2) any statewide organization or a member of a statewide organization that represents broadcasters may establish a program for training and certifying broadcast engineers and technical personnel as first response broadcasters. Provides that: (1) communications service providers shall develop comprehensive and coordinated plans for preparation for and responding appropriately to an emergency or disaster; and (2) any statewide organization or a member of a statewide organization that represents communications service providers may establish a program for training and certifying broadcast engineers and technical personnel as first response broadcasters. Makes technical corrections.

**Effective:** July 1, 2014.

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**Mahan, Frye R, Forestal, Price**

(SENATE SPONSORS — CRIDER, HOLDMAN, MERRITT, ARNOLD J)

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January 7, 2014, read first time and referred to Committee on Veterans Affairs and Public Safety.

January 13, 2014, amended, reported — Do Pass.

January 15, 2014, read second time, ordered engrossed. Engrossed.

January 16, 2014, read third time, passed. Yeas 95, nays 0.

SENATE ACTION

February 4, 2014, read first time and referred to Committee on Homeland Security, Transportation and Veterans Affairs.

February 25, 2014, amended, reported favorably — Do Pass.

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EH 1037—LS 6249/DI 96





February 26, 2014

Second Regular Session 118th General Assembly (2014)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

## ENGROSSED HOUSE BILL No. 1037

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A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 10-14-3-0.6 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2014]: **Sec. 0.6. As used in this chapter, "broadcaster" has the**  
4 **meaning set forth in IC 10-13-5-2.**
- 5 SECTION 2. IC 10-14-3-0.7 IS REPEALED [EFFECTIVE JULY  
6 1, 2014]. ~~Sec. 0.7. As used in this chapter, "Emergency Management~~  
7 ~~Assistance Compact" refers to IC 10-14-5.~~
- 8 SECTION 3. IC 10-14-3-0.8 IS ADDED TO THE INDIANA CODE  
9 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
10 1, 2014]: **Sec. 0.8. As used in this chapter, "communications service**  
11 **provider" has the meaning set forth in IC 8-1-32.5-4.**
- 12 SECTION 4. IC 10-14-3-2.5 IS ADDED TO THE INDIANA CODE  
13 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
14 1, 2014]: **Sec. 2.5. As used in this chapter, "Emergency**  
15 **Management Assistance Compact" refers to IC 10-14-5.**
- 16 SECTION 5. IC 10-14-3-22.5 IS ADDED TO THE INDIANA

EH 1037—LS 6249/DI 96



CODE AS A NEW SECTION TO READ AS FOLLOWS  
 [EFFECTIVE JULY 1, 2014]: **Sec. 22.5. (a) Broadcasters in Indiana, in cooperation with the agency, the Indiana Public Broadcasting Stations, Inc., and the Indiana Broadcasters Association or a successor association, shall develop comprehensive and coordinated plans for:**

- (1) preparation for; and**
  - (2) responding appropriately to;**
- an emergency or disaster.**

**(b) Any statewide organization or a member of a statewide organization that represents broadcasters may establish a program for training and certifying broadcast engineers and technical personnel as first response broadcasters. A program established under this subsection must:**

- (1) be consistent with federal law and guidelines;**
- (2) provide training and education concerning:**
  - (A) restoration of;**
  - (B) repairing;**
  - (C) resupplying; or**
  - (D) any combination of the activities under clauses (A) through (C) related to;**
- any facilities or equipment of a broadcaster in an area affected by an emergency or disaster; and**
- (3) provide training and education concerning the personal safety of a first response broadcaster in an area affected by an emergency or disaster.**

**(c) To the extent practicable and consistent with not endangering public safety or inhibiting recovery efforts, the state and political subdivisions shall allow a first response broadcaster access to an area affected by an emergency or disaster for the purpose of restoration of, repairing, or resupplying (or any combination of these activities) a facility or equipment critical to the ability of a broadcaster to acquire, produce, or transmit essential emergency or disaster-related public information programming, including repairing and maintaining transmitters and transporting fuel for generators.**

SECTION 6. IC 10-14-3-22.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS  
 [EFFECTIVE JULY 1, 2014]: **Sec. 22.6. (a) Communications service providers in Indiana, in cooperation with the agency, the Indiana Cable Telecommunications Association, and the Indiana Telecommunications Association or a successor association, shall**



1 develop comprehensive and coordinated plans for:

2 (1) preparation for; and

3 (2) responding appropriately to;  
4 an emergency or disaster.

5 (b) Any statewide organization or a member of a statewide  
6 organization that represents communications service providers  
7 may establish a program for training and certifying  
8 communications service engineers and technical personnel as first  
9 response communications service providers. A program  
10 established under this subsection must:

11 (1) be consistent with federal law and guidelines;

12 (2) provide training and education concerning:

13 (A) restoration of;

14 (B) repairing;

15 (C) resupplying; or

16 (D) any combination of the activities under clauses (A)  
17 through (C) related to;

18 any facilities or equipment of a communications service  
19 provider in an area affected by an emergency or disaster; and

20 (3) provide training and education concerning the personal  
21 safety of a first response communications service provider in  
22 an area affected by an emergency or disaster.

23 (c) To the extent practicable and consistent with not  
24 endangering public safety or inhibiting recovery efforts, the state  
25 and political subdivisions shall allow a first response  
26 communications service provider access to an area affected by an  
27 emergency or disaster for the purpose of restoration of, repairing,  
28 or resupplying (or any combination of these activities) a facility or  
29 equipment critical to the ability of a communications service  
30 provider to acquire, produce, or transmit essential emergency or  
31 disaster related public information programming, including  
32 repairing and maintaining transmitters and transporting fuel for  
33 generators.

34 SECTION 7. IC 10-14-3-29 IS AMENDED TO READ AS  
35 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 29. (a) A local disaster  
36 emergency:

37 (1) may be declared only by the principal executive officer of a  
38 political subdivision; and

39 (2) may not be continued or renewed for more than seven (7) days  
40 except by or with the consent of the governing board of the  
41 political subdivision.

42 Any order or proclamation declaring, continuing, or terminating a local



1 disaster emergency shall be given prompt and general publicity and  
2 shall be filed promptly in the office of the clerk of the political  
3 subdivision.

4 (b) The effect of a declaration of a local disaster emergency is to:

5 (1) activate the response and recovery aspects of all applicable  
6 local or interjurisdictional disaster emergency plans; and

7 (2) authorize the furnishing of aid and assistance under the plans.

8 (c) An interjurisdictional agency or official may not declare a local  
9 disaster emergency unless expressly authorized by the agreement under  
10 which the agency functions. However, an interjurisdictional disaster  
11 agency shall provide aid and services according to the agreement.

12 (d) If a local disaster emergency is declared under this section, the  
13 political subdivision may not prohibit individuals engaged in  
14 employment necessary to:

15 (1) maintain a safe rail system;

16 (2) restore utility service; or

17 (3) provide any other emergency public service;

18 from traveling on the highways within the political subdivision during  
19 the local disaster emergency.

20 (e) **If a local disaster emergency is declared under this section,**  
21 **the political subdivision may not prohibit individuals trained and**  
22 **certified as first response broadcasters, as set forth in section 22.5**  
23 **of this chapter, from traveling on the highways within the political**  
24 **subdivision during the local disaster emergency.**

25 (f) **If a local emergency is declared under this section, the**  
26 **political subdivision may not prohibit individuals trained and**  
27 **certified as first response communications service providers, as set**  
28 **forth in section 22.6 of this chapter, from traveling on the highways**  
29 **within the political subdivision during the local disaster emergency.**



## COMMITTEE REPORT

Mr. Speaker: Your Committee on Veterans Affairs and Public Safety, to which was referred House Bill 1037, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 8, delete "agency" and insert **"agency, the Indiana Public Broadcasting Stations, Inc.,"**.

and when so amended that said bill do pass.

(Reference is to HB 1037 as introduced.)

FRYE R, Chair

Committee Vote: yeas 11, nays 0.

## COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Transportation and Veterans Affairs, to which was referred House Bill No. 1037, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, between lines 4 and 5, begin a new paragraph and insert:

**"SECTION 2. IC 10-14-3-0.7 IS REPEALED [EFFECTIVE JULY 1, 2014]. Sec. 0.7. As used in this chapter, "Emergency Management Assistance Compact" refers to IC 10-14-5.**

**SECTION 3. IC 10-14-3-0.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 0.8. As used in this chapter, "communications service provider" has the meaning set forth in IC 8-1-32.5-4.**

**SECTION 4. IC 10-14-3-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2.5. As used in this chapter, "Emergency Management Assistance Compact" refers to IC 10-14-5."**

Page 2, line 10, delete ";" and insert **"related to;"**.

Page 2, between lines 25 and 26, begin a new paragraph and insert:

**"SECTION 6. IC 10-14-3-22.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 22.6. (a) Communications service providers in Indiana, in cooperation with the agency, the Indiana Cable Telecommunications Association, and the Indiana**



**Telecommunications Association or a successor association, shall develop comprehensive and coordinated plans for:**

- (1) preparation for; and**
  - (2) responding appropriately to;**
- an emergency or disaster.**

**(b) Any statewide organization or a member of a statewide organization that represents communications service providers may establish a program for training and certifying communications service engineers and technical personnel as first response communications service providers. A program established under this subsection must:**

- (1) be consistent with federal law and guidelines;**
- (2) provide training and education concerning:**
  - (A) restoration of;**
  - (B) repairing;**
  - (C) resupplying; or**
  - (D) any combination of the activities under clauses (A) through (C) related to;**

**any facilities or equipment of a communications service provider in an area affected by an emergency or disaster; and**

- (3) provide training and education concerning the personal safety of a first response communications service provider in an area affected by an emergency or disaster.**

**(c) To the extent practicable and consistent with not endangering public safety or inhibiting recovery efforts, the state and political subdivisions shall allow a first response communications service provider access to an area affected by an emergency or disaster for the purpose of restoration of, repairing, or resupplying (or any combination of these activities) a facility or equipment critical to the ability of a communications service provider to acquire, produce, or transmit essential emergency or disaster related public information programming, including repairing and maintaining transmitters and transporting fuel for generators."**

Page 3, after line 16, begin a new paragraph and insert:

**"(f) If a local emergency is declared under this section, the political subdivision may not prohibit individuals trained and certified as first response communications service providers, as set**





**forth in section 22.6 of this chapter, from traveling on the highways within the political subdivision during the local disaster emergency."**

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1037 as printed January 13, 2014.)

WYSS, Chairperson

Committee Vote: Yeas 8, Nays 0.

